**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 1860 OF 2002**

Siddiquee Shahnaz ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. A.N. Maniyar for Petitioner.

Ms. S. Sreedharan, A.G.P. for Respondent No. 1.

Mr. A.G. Kotharil for Respondent Nos. 3, 4, 7 and 10.

Mr. S.A. Shaikh for Respondent Nos. 6 and 11.

Mr. Shaikh Nasir Masih for Respondent No. 14.

**CORAM : F.I. REBELLO,J.**
**DATED : AUGUST 31, 2005**

**P.C.**

. The present petition is by the Petitioner who was appellant in Appeal No. 42 of 1996 before the Presiding Officer, School Tribunal Mumbai. That appeal along with various other appeals came to be disposed of by the order of the tribunal dated 8.2.2002. In so far as present appeal is concerned, the tribunal noted the complaint dated 13.12.1995 of Shaista Rukhsana Naeem Akhtar, dated 23.1.1996 of Naila Faiyas Ahmed, dated 13.12.1995 of Shimia Shamina, Sahina Anjum Khan, Fatima Zohra Rahim. The tribunal thereafter has noted that their lessons were observed by the Head of the school and observation reports were recorded in the log book of the performance of the appellants highlighting deficiencies in their work. The learned tribunal found considering the record that there was nothing to show that the alleged complaints of the students and observation reports in the log book are fabricated and/or bogus and

were prepared after filing of the respective appeals.

. The challenge raised in the present petition was similar as to which were raised in Writ Petition No. 1859 of 2002. It is the contention of the Petitioner that termination is colourable exercise of power and or is arbitrary and or actuated by malice, as the Management in the past has terminated services of 41 teachers for extraneous reasons, as these teachers did not meet with the illegal demands made by the trustees for parting with their 2/3 of the salaries.

. The issue was considered and rejected while disposing of Writ Petition No. 1859 of 2002. The same reasoning is adopted to reject the contention as urged in the present writ petition.

. Considering the findings of the tribunal about the complaint received against performance of the petitioner and records maintained by the Head of the Institute against him and as there are no allegations of mala fide or malice, I find that the order of the tribunal does not suffer from any error apparent on the face of the record. In the light of that, there is no merit in this petition.

Rule discharged. No order as to costs.

**(F.I. REBELLO,J.)**